
**MINUTES
ASHBURN FARM ASSOCIATION
BOARD OF TRUSTEES MEETING
October 6, 2020**

The Ashburn Farm Association held its regular meeting of the Board of Trustees on Tuesday, October 6, 2020.

Members Present: Scott Batchelder, Doug Brewer, Mark Fedak, Cary Hancock, Steve Lubore, Rich Oakley, and David Tighe.

Members Absent: None.

Others in Attendance: Jeremy Cushman – General Manager and 4 residents.

- President, Dave Tighe, called the meeting to order at 7:00 PM.

BOARD MEMBER COMMENTS

- Nothing to report.

APPROVAL OF MINUTES

Mr. Hancock made a motion to **approve the September 1, 2020 minutes, as submitted.** Rich Oakley seconded the motion. The motion passed (6/0/0/1), absent was Dr. Lubore.

PUBLIC FORUM

- Resident, Cathy Tippet, addressed the Board regarding Patriot Disposal’s earlier pickup of trash and recycling in Ashburn Farm. She stated that pickups were to begin at 6 AM in the single-family areas, and the townhome areas would not be affected by the change, but this is not the procedure followed by Patriot. She stated that the pickup is very noisy, and the truck lights shine into the nearby homes. She feels that this is very disruptive to homeowners so early in the morning. Options discussed were the possibility of starting the pickup on the other side of the community and moving the pickup start time back to 7 AM was also discussed. Mr. Cushman will be meeting with Patriot Disposal in the next week to discuss the issue and possible solutions.

APPEALS

- **21358 & 21362 Clear Water Court Appeal Regarding Drainage Concern** – The homeowner, Ms. Barozi, stated that the drainage issue began in 2019 when her neighbor cut down several large trees in his yard. Since then, he has made additional changes to his property that have further exacerbated the drainage issue. The neighbor

added a swing set and regraded his yard which has changed the topography of the area. Instead of rainfall draining into a nearby creek, it now flows into Ms. Barozi's yard causing significant recurring flooding and water in her basement. An additional change made was to the neighbor's downspouts, which are now buried. The neighbor did not apply for the re-grading, sod, downspout changes, or tree removal, however they did apply for the fence and playset. A letter will be sent to the neighbor within a week to notify him of the drainage issues, and he will be given 30 days to either submit an Exterior Alteration Application for all of his changes or find a solution to the drainage issue.

- **21326 Thimbleweed Court, Appeal Regarding Fence Application Denial** – The homeowner did not attend the meeting. The denial was for a 6-foot fence in a single-family yard. This is not currently allowed by the Architectural Standards, but changes to those Standards will be coming soon. The Board decided to table this vote until after the discussion on the recommended Standards change later in the meeting. After the discussion a motion was made to allow the 6-foot fence in favor of the residents request. The board voted 3/3/1/0 and the motion was denied. Voting against were Mr. Brewer, Mr. Hancock, and Mr. Oakley. Mr. Tighe abstained because the outcome of the discussion has impact on his property.

COMMITTEE REPORTS

- *Architectural Review Board* – Chairman, Jeff Colclough, stated that the ARB has been holding meetings virtually over the last several months and noted that they have worked really well, and they have gotten a tremendous amount of resident participation in the meetings. He mentioned the ARB has had 94-95% approval of submitted applications since May. He and the ARB are working on editing the Standards to address some of the items that seem to be raising the most concerns with residents.
- *Budget & Finance* – Steve Lovejoy stated that the income is below plan, due to the lack of room rentals, outside pool memberships, etc. The expenses are above plan, mainly due to tree removal expenses. He noted that he expects some of these amounts to adjust over the next couple of months. There were approximately 200 homeowners with balances of less than \$10; these were written off at the last B&F meeting. He mentioned that the 2019 Draft Audit had been reviewed at the meeting, and the Committee made a recommendation to the BOT to approve it. Dr. Lubore stated that \$68,115 was transferred from Summit's operating account to the undesignated reserve account. That money will be invested in municipal bonds. He stated that he eliminated all of the cash in the designated reserve account; it will be either invested or spent before the end of the year.
- **Manager's Report** – Mr. Cushman presented his report to the Board prior to the meeting. He mentioned that minimum wage will be increasing from \$7.29 to \$9.50 on May 1, 2021, which will impact the Association's budget during pool season. It is

expected to increase the contract price by \$5,000-\$10,000.

It was recommended that the remaining events for 2020 be cancelled due to Covid; the Board approved the recommendation. The Association's pond maintenance contractor has recommended applying Phoslock to the ponds in November, as it reaches its peak effectiveness about five months after application. The money that was slated for events in 2020 could be used for this expense. Dr. Lubore made a motion **to appropriate \$52,000 to apply Phoslock to the remaining three ponds in Ashburn Farm**. Mr. Oakley seconded the motion. The motion passed (7/0/0/0).

There have been concerns brought to the Association about Patriot Disposal starting their pickup in Ashburn Farm at 6 AM. Mr. Cushman will meet with their representative to discuss moving the time back to 7 AM. Residents of Alderleaf Terrace and Rush Run Terrace have sent in concerns regarding Patriot's truck leaking paint on their street. Patriot has stated that it is not their responsibility to make repairs because it was caused by homeowners putting paint in their trash bags, which is not allowed by their contract. Many of the resulting paint stains on the asphalt have been covered (seal coated) by the Association's paving contractor at no additional cost.

- **Open Space Committee** – No report.

OLD BUSINESS

- **Wayside Circle Traffic Calming Presentation** – A representative from VDOT made a presentation to the Board regarding the project and the process involved. She noted that the traffic study showed that Wayside Circle met the VDOT criteria for needing traffic calming. She stated that if the project is approved, the speed humps will likely be installed in April or May.
- **Willowbrook Drive & Rockfield Court Drainage Concern Update** – The study has been completed, but the report of the findings has not yet been received by the Association.
- **Association Draft 2021 Operating Budget** – Three budgets were submitted to the Board for review: the current budget with an increase of 1.6%, one that underfunds the reserve in 2021 to make up for overfunding it in 2020 for an increase of \$0.68/month, and one that removes one full-time covenants staff position and leaves the vacant maintenance position open for an increase of \$0.78/month. Due to the increase in the trash removal contract, the only way to have a 0% increase in assessments in 2021 would require putting off the collection of that increase until 2022. Mr. Fedak recommended a 4th option, previously requested at the September board meeting that would not fill the Covenants department vacancy and roll over the Reserve Fund surplus to give a zero increase without reducing any other services. Mr. Tighe mentioned this should not be an option because the HOA can use the position in the Maintenance department if no longer needed in Covenants. Mr. Brewer expressed his concerns that having a 0% increase for 2021 could lead to an increase of 4% in

2022. Mr. Lovejoy stated that not increasing assessments at all could lead to the Association not being able to fully fund operations in coming years. He agreed that if there is a 0% increase in 2021, there would likely need to be a 3-4% increase in 2022. Another option discussed was to remove snow removal from the budget, and then charge all townhome owners a special assessment if there is snow. Dr. Lubore noted that only 10 owners have asked the Board for assistance with assessments this year. Dr. Lubore made a motion **to approve the budget that has been published in the last two newsletters which increases the assessments by 1.6%**. Mr. Brewer seconded the motion. Dr. Lubore noted that the community members have had an opportunity to give input on the budget for three months, but only seven residents have done so. A discussion was held regarding the line item for depreciation, normally seen in tax-returns but not in budgets, however resolution of this issue was deferred. The motion passed (4/3/0/0). Voting opposed was Mr. Batchelder, Mr. Fedak, and Mr. Hancock.

- **Board of Trustee Code of Conduct** – No discussion.
- **Six Foot Privacy Fence Architectural Standard Recommendation** – Dr. Lubore made a motion **to approve the proposed Architectural Standard recommendation for six-foot privacy fences**. This proposal would allow six-foot shadowbox-style fencing for properties abutting major roads on the perimeter of the Ashburn Farm community. Mr. Batchelder seconded the motion. Mr. Brewer recommended using the picket style fence with an arch, as opposed to the shadow box style since the association has already approved a similar fence in another area of the community. He also recommended specifying lot numbers that would be allowed to install this type of fence. Dr. Lubore withdrew his motion. Mr. Hancock made a motion **to utilize the previously approved six-foot, board on board, high arch fence design for the exterior perimeters**. Dr. Lubore seconded the motion. The motion failed (3/3/1/0). Voting against was Dr. Lubore, Mr. Brewer and Mr. Oakley. Mr. Tighe abstained because the resolution has impact to his property. The proposal will go back to the ARB to incorporate the recommendations.

NEW BUSINESS

- **Association Insurance Policy Renewal (General Liability, Auto, and Property)** – Dr. Lubore made a motion **to approve the insurance policies with Philadelphia**. Mr. Batchelder seconded the motion. The motion passed (7/0/0/0).
- **Association 2019 Draft Audit** – Dr. Lubore made a motion **to approve the 2019 Draft Audit prepared by Daly & Hammod**. Mr. Oakley seconded the motion. The motion passed (7/0/0/0).

Association Annual Inspection Process Review – Mr. Cushman provided a history of the inspection process and changes that had been made to the process over the years. It was noted that only the top 100 “worst” homes in the community are followed up on by staff; all other homes receive only a notification of the violations found and the homeowners have a year to make repairs. If complaints are received about a property from neighbors, this will

escalate the priority of the violations and lead to follow-ups by the staff and potential 55-513 hearings. For future inspections, Mr. Cushman would like to give homeowners an option to “opt-out” of the full inspection and receive a “from the curb” inspection only. A notification would need to be included to the homeowner that a full inspection must be completed when the home is put up for sale. Dr. Lubore made a motion **to approve the proposed changes to the 2021 Annual Inspection Process (the motion would allow HOA inspections to be continued as they have been, with an “opt-out” option for homeowners who only wish to have a curb-side inspection done)**. Mr. Brewer seconded the motion.

Mr. Fedak provided recommended changes to the inspection process which included curb-only inspections and only allowing five minutes for each inspector to inspect each property. He recommended having a property owner “opt-in” for full property inspections, as opposed to full-property annual inspections being the default option. He would also like to change the wording in the notification letters to make them more respectful. Mr. Hancock stated that he would like homeowners to self-inspect their properties and make the needed repairs on their own, using the inspection checklist. Mr. Fedak and Dr. Lubore both (separately) recommended providing a checklist for homeowners to follow during their self-inspection of their properties. It was noted that the association has published a checklist for homeowners.

Mr. Brewer noted that reviewing Exterior Alteration Applications requires ARB members and staff to enter a homeowner’s property. He also noted that it may be a disservice to homeowners if the Association is unable to conduct inspections to protect property values, and he stated that very small percentage of homeowners contacted the HOA with concerns about the inspection process last year. Mr. Colclough stated that he has seen many EAA’s come to the ARB after completed projects were found during inspections.

Mr. Hancock stated that notifications of the HOA inspections must be done with a written notification, and he does not feel that the signs placed at neighborhood entrances are considered a written notification. Mr. Cushman noted that the Association attorney has stated that the newsletter provides the written legal notice to each homeowner because it is addressed to and mailed to every homeowner and resident in Ashburn Farm. Mr. Fedak and Mr. Hancock disagreed, stating that it cannot be considered legal notice since it does not include the time of day and date of entry. Dr. Lubore stated that homeowners sign a legal document to abide by the Covenants when they purchase their homes; the Covenants allow the Association to enter their property when necessary.

Dr. Lubore stated that he believes that staff and ARB members normally knock on a homeowner’s front door before entering the property. Mr. Cushman noted that is what has been done, but the concerns over Covid-19 have made interactions with homeowner’s more difficult.

Mr. Hancock noted that rental properties in Ashburn Farm seem to have the majority of Covenants violations, and rental issues need to be addressed as a separate item by the Board. The motion passed (4/3/0/0). The HOA Inspections motion passed (4/3/0/0). Voting opposed to full inspections were Mr. Batchelder, Mr. Fedak, Mr. Hancock.

INFORMATIONAL

- **Association Delinquent Status Report** – The Association attorney has recommended beginning the foreclosure process on the property at 21024 Timber Ridge Terrace #104. Legal action was begun against the homeowner in 2017, and the owner has not provided any feedback since then. There have been seven hearings held regarding non-payment of assessments, and the owner owes \$4,900+. The Loudoun County Sheriff's Office has failed to obtain service on three of the seven hearing notifications. This action would not be able to be enforced until after the moratorium on foreclosures is lifted after the Covid pandemic. Dr. Lubore made a motion **to permit the Association's attorney to begin the foreclosure process on Valerie Ohler at 21024 Timber Ridge Terrace #104**. Mr. Brewer seconded the motion. The motion passed (6/1/0/0). Mr. Batchelder voted against.

ADJOURNMENT

- Mr. Brewer made a motion **to adjourn the regular business meeting at 11:07 PM**. Mr. Batchelder seconded the motion. The motion passed (7/0/0/0).

Minutes for the Ashburn Farm Board of Trustees (BOT) Meeting are developed from meeting recordings and BOT member input.

Respectfully Submitted,
Alicia R. Lough
Recording Secretary
October 12, 2020